

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUSTINO CRUZ ROSALES, LUIS DIAZ, and
CARLOS NAVARRO, individually and on behalf
of all others similarly situated,

Case No.: 24-CV-5572 (JGLC)

Plaintiffs,

-against-

DECLARATION IN SUPPORT

BKLYN LOCAL DRAFT LLC
d/b/a THE BROOKLYNEER,
BILLY WAITE, and JUAN GOMEZ,

Defendants.

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**DECLARATION IN SUPPORT OF MOTION TO BE RELIEVED AS
COUNSEL OF RECORD FOR ALL DEFENDANTS IN THIS ACTION**

NILS C. SHILLITO, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an attorney admitted to the bar of this Court. I am associated with the law firm of Stephen D. Hans & Associates, P.C., the attorneys of record for the defendants BKLYN Local Draft LLC, Billy Waite, and Juan Gomez (hereinafter “Defendants”) in the above-captioned action.

2. I am fully familiar with the facts and circumstances surrounding this case from my personal involvement therein. I submit this Declaration in support of the motion of Stephen D. Hans & Associates, P.C., including both myself and Stephen D. Hans, pursuant to Local Civil Rule 1.4, to be relieved as counsel of record for the Defendants in this action.

3. This firm has been counsel of record for the Defendants since first being retained and filing our notices of appearance in October 2024.

4. However, Defendants have decided to terminate our firm’s representation in this case

effective immediately. Defendants have directed us to immediately cease all work on this case and to seek withdraw as their counsel of record, specifically stating that our firm will not be paid for any work undertaken after the present date.

5. Courts consistently hold that, “while Local Rule 1.4 requires a court order to withdraw, when a party agrees to terminate counsel, the order to withdraw should issue except under the most compelling circumstances.” *LLC v. Bound (In re M)*, Case No. 18-CV-4242(GRB)(ARL), 2020 U.S. Dist. LEXIS 267701, at *4-5, 2020 WL 13581726 (E.D.N.Y. October 16, 2020); *citing Casper v. Lew Lieberbaum & Company, Inc.*, Case No. 97-CV-3016(JGK)(RLE), 1999 U.S. Dist. LEXIS 7779, at *11, 1999 WL 335334 (S.D.N.Y. May 24, 1999).

6. No prejudice to any party will result from this firm’s withdrawal as counsel for Defendants as this case is still in the early stages of discovery. In fact, counsel for the plaintiffs has affirmatively stated that plaintiffs do not oppose this motion.

7. In addition to granting our request to withdraw as counsel for Defendants, we also respectfully request that the Court stay all discovery proceedings and deadlines in this case until June 13, 2025 in order to permit Defendants the opportunity to retain new counsel and/or determine how they intend to proceed with the defense of this action going forward. *See Scala v. Little Feet Childcare Ctr. LLC*, Case No. 23-CV-9279(KMK)(VR), 2024 U.S. Dist. LEXIS 121446, at *5, 2024 WL 3342604 (S.D.N.Y. July 9, 2024) (granting 30-day stay along with motion to withdraw). Plaintiffs also do not oppose this request for a stay.

8. This firm is not asserting either a retaining lien or a charging lien.

9. In light of the above, we respectfully request that the Court issue an Order: (1) relieving Stephen D. Hans & Associates, P.C., and, specifically, attorneys Stephen D. Hans and Nils C. Shillito, as counsel of record for Defendants in the above-captioned action; (2) staying this case

until June 13, 2025; and (3) granting such other and further relief as the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Long Island City, New York
May 16, 2025

A handwritten signature in black ink, appearing to read 'N. Shillito', written in a cursive style.

Nils C. Shillito (NS-6755)